

REMARKS

Pursuant to 37 CFR § 1.121, a "VERSION WITH MARKINGS TO SHOW CHANGES MADE" is enclosed, following these remarks.

Claims 1-9 are pending.

Claims 1-9 stand finally rejected.

Claim 1 has been amended herein.

Claims 1-9 stand finally rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 4,913,239 to Bayh, III (Bayh) in view of U.S. Patent 3,781,453 to Funk *et al.* (Funk).

Claim 1 now calls for "...means removably fixed to said wall surface *within* said conduit for holding said plurality of cables in spaced-apart disposition across said conduit."

Bayh in view of Funk fail to arrive at the present invention and are not combinable because Funk is non-analogous prior art. Bayh teaches a tubing string 20 having suspended therein an electrical connector 45 that is mechanically attached to the lower end of a solid mandrel 42 by locking rings 37 and 38 by set screws 39. The upper end of the solid mandrel 42 is attached to a tubular housing 41 of a cable anchor assembly 40, which is suspended from a power cable 30. The power cable 30 includes a plurality of conductors 88, 89, 90 (91 in FIG. 1) that extend through a window 43 in the tubular housing 42 in a bunched together relationship and enter the electrical connector 45. The electrical connector 45 in Bayh is not removably fixed to the wall surface of the conduit and the conductors 88, 89, 90 are not held in a spaced-apart disposition across said conduit as presently claimed.

The Funk patent is not applicable to applicant's claimed invention because it is not from the same field of endeavor as applicant's claimed invention. Moreover, Funk is not from an analogous art area, as Funk teaches an assembly for passing electrical conductors through a concrete wall of a containment vessel to maintain the pressure and vapor sealing integrity of the containment vessel. Thus, Funk is not reasonably pertinent to the problem addressed by Applicant's claimed invention, i.e., arresting cables in an energized-fluid conduit. More specifically, Funk teaches a penetration assembly 10, which includes a header 14 (bridging means according to the examiner), that is welded to a penetration nozzle 11 that passes through a wall 11 of a containment vessel. The penetration nozzle does not conduct fluid, hence, Funk has nothing to do with means for holding cables in spaced-apart disposition across a conduit that conducts an energized fluid therethrough. Further, the examiner alleges that element 31(1) is a wall surface of a conduit. However, according to Funk, column 2, line 48, element 31(1) is a junction box. Moreover, the header 14 is not removably fixed to the wall surface of this "conduit."

Notwithstanding that Funk is non-analogous art, one of ordinary skill in the art would not have looked to Funk to modify the electrical connector 45 (means for holding the power conductors 88, 89, 90 according to the examiner) in Bayh for the reason of "providing a insulated wire having both pressure and vapor sealing integrity properties" because the electrical conductors 88, 89, 90 in Bayh do not pass through the tubing string 20. Accordingly, pressure and vapor sealing integrity is not a problem in Bayh.

In view of the foregoing, claim 1 is patentable over Bayh in view of Funk.

Claims 2-9 are patentable over Bayh in view of Funk by virtue of their dependence from amended base claim 1 and because they recite other features which are clearly not taught by the prior art as discussed in applicant's previous response.

C

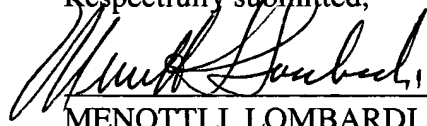
Accordingly, withdrawal of the 35 U.S.C. 103(a) rejection using Bayh in view of Funk is respectfully urged.

The prior art made of record and not relied upon is deemed to neither teach nor suggest the claimed invention.

It is respectfully submitted that all outstanding issues have been addressed herein and that claims 1-9 are in condition for allowance, early notification of which is earnestly solicited. Should there be any questions or there matters whose resolution may be advanced by a telephone call, the Examiner is cordially invited to contact Applicant's undersigned attorney at his number listed below.

No fee is believe due as a result of this communication. The Commissioner is hereby authorized to charge this fee and any other fees which may be required or credit any overpayment to Deposit Account No. 09-0949.

✓ Respectfully submitted,



MENOTTI J. LOMBARDI

Reg. No. 24,009

ITT Fluid Technology

10 Mountainview Road

Upper Saddle River, NJ 07458



VERSION WITH MARKINGS TO SHOW CHANGES MADE

The following marked-up claims correspond to the replacement claims of this amendment.

1.(THREE TIMES AMENDED) A cables arrester, in combination with an energized-fluid conduit, comprising:

a conduit having a wall surface, the conduit for conducting an energized fluid therethrough;

a plurality of power cables confined within said conduit; and

means removably fixed to said wall surface [of] within said conduit for holding said plurality of cables in spaced-apart disposition across said conduit.

RECEIVED
OCT 15 2001
TECHNOLOGY CENTER 2800